

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STANDING ROCK SIOUX TRIBE,

Plaintiff,

and

CHEYENNE RIVER SIOUX TRIBE,

Intervenor-Plaintiff,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant.

and

DAKOTA ACCESS, LLP,

Intervenor-Defendant.

**Case No. 1:16-cv-1534-JEB
[Consolidated with 1:16-cv-1796 and
1:17-cv-267]**

**MOTION TO WITHDRAW AND
MOTION TO STRIKE THE REQUEST
TO STRIKE NOTICE OF APPEARANCE
OF PATRICIA A. MARKS**

COMES NOW Attorney Patricia Marks, of the law firm of Fredericks Peebles & Patterson LLP, to Move the Court to withdraw from the above captioned action and Strike the Notice to Strike Appearance of Patricia Marks filed in this case on May 14, 2019 (ECF 421).

Pursuant to a contract with the Intervenor-Plaintiff, Cheyenne River Sioux Tribe, Fredericks Peebles & Morgan LLP (“FPM”), upon authorization from the Tribe, sought and received intervention of the Tribe in this action in 2016. In February 2019, FPM received notice that one of its named partners, Lance Morgan, was leaving the firm effective April 1, 2019. Later that month, two FPM attorneys, Nicole Ducheneaux and Joseph Messineo, who had entered appearances in this case on behalf of the Tribe, announced their intent to leave FPM effective April 1, 2019. The Cheyenne River Sioux Tribe was properly notified of these

developments in February, 2019 and took no action to change its prior authorization of FPM's representation.

On April 1, 2019, the firm announced publically that effective April 1, 2019, it was elevating long time FPM Attorney Jeremy Patterson to named partner, changing the name of the existing firm to Fredericks, Peebles and Patterson ("FPP") and closing its Omaha, Nebraska office. As is required by local rules, undersigned FPP counsel filed her Notice of Appearance (ECF 414) on April 15, 2019, to protect the interests of the client. On that same date, as is required by local rule LCvR 5.1, undersigned counsel filed with this Court the firm's Notice of Change of Law Firm Name and Address (ECF 415), and a Notice of Separation of Counsel and Motion for Removal of Counsel of Record (ECF 416) to reflect the departures of the Tribe's counsels of record, Ducheneaux and Messineo, from the firm.

The Affidavit of Tribal Chairman Harold Frazier (ECF 421-1), filed by Attorney Nicole Ducheneaux on May 14, 2019, as an attachment to Plaintiff's Notice of Request to Strike, (ECF 421) advised FPP for the first time, that effective May 14, 2019, the Tribe has retained the Big Fire Law and Policy Group ("Big Fire") to assume the Tribe's representation in this case. Former FPM Attorneys Ducheneaux and Messineo are now associated with Big Fire. FPP will of course abide by the Cheyenne River Sioux Tribe's decision. Based upon these facts, undersigned counsel moves to strike Attorney Ducheneaux's Request to Strike the Appearance of Patricia A. Marks (ECF 421) and in lieu thereof, Moves this Court for her withdrawal from this case.

Dated this 16th day of May, 2019.

Respectfully submitted,

/s/ Patricia Ann Marks

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*Attorney for Intervenor-Plaintiff Cheyenne River
Sioux Tribe*

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ORDER

The Court DENIES [421] Request to Strike Notice of Appearance of Patricia A. Marks, GRANTS [] Motion to Strike the Request to Strike, and GRANTS [] Motion to Withdraw.

The Court ORDERS that Patricia A. Marks be removed as counsel of record for Intervenor-Plaintiff Cheyenne River Sioux Tribe.

IT IS SO ORDERED.

James E. Boasberg
United States District Judge

Date: _____